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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,174	09/29/2005	Takatoshi Hirose	00862.023671.	4239

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EXAMINER	
MURRAY, DANIEL C	
ART UNIT	PAPER NUMBER
2443	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/551,174	HIROSE, TAKATOSHI	
	Examiner	Art Unit	
	DANIEL C. MURRAY	2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 March 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-11,14 and 15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-11,14 and 15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08FEB2011, 17MAR2011*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08FEB2011 (as well as the Supplemental Response thereto filed on 22MAR2011) has been entered.

2. This Action is in response to Applicant's amendment filed on 22MAR2011. **Claims 1, 3-11, 14, and 15** are now pending in the present application.

3. **Claim 13** has been canceled by Applicant.

4. **Claim 15** has been added by Applicant.

Information Disclosure Statement

5. The information disclosure statements submitted on 08FEB2011 and 22MAR2011 have been considered by the Examiner and made of record in the application.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. **Claims 1, 3, 7-11, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Asoh et al. (US Patent Publication # US 2004/0003060 A1)(hereafter Asoh)** in view of **Ohta (US Patent Publication # US 2001/0029531 A1)(hereafter Ohta)** in view of **Deshpande et al. (US Patent Publication # US 2003/0003933 A1)(hereafter Deshpande)** in further view of **Digital Photography Review (Non-Patent Literature: Direct Print Standard (DPS), 02DEC2002)(hereafter DPReview).**

a) Consider **claims 1, 10, and 11,** Asoh et al. clearly show and disclose, a connection control method for an information processing apparatus, information processing apparatus, and a non-transitory computer-readable storage program product comprising a computer usable medium having computer-readable program codes control logic stored therein that, when executed by a computer, for causing a computer to control a connection of an information processing apparatus,

wherein the control logic causes the computer to implement the method comprising: a reception step of receiving identification information for identifying a plurality of wireless networks (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015]); a joining step of automatically joining a first wireless network of the plurality of wireless networks identified by the identification information received in the reception step (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015]). However, Asoh et al. does not specifically disclose a search step of searching for another information processing apparatus that is a wireless direct print type printer having a function of performing a predetermined processing, in the first wireless network joined; a request step of requesting, if the other information processing apparatus that is the wireless direct print type printer having the function of performing the predetermined processing is found based on the searching in the search step, the other information processing apparatus that is the wireless direct print type printer having the function of performing the predetermined processing to perform the predetermined processing; or a changing step of automatically joining a second wireless network of the plurality of networks identified by the identification information received in the reception step, if the other information processing apparatus that is the wireless direct type printer having the function of performing the predetermined processing in the first wireless network joined previously is not found based on the searching in the search step, searching for the other information processing apparatus that is the wireless direct print type printer having that have the function of performing the predetermined processing in the second wireless network, and of requesting, if the other information processing apparatus that is the wireless direct print type printer having the function of performing the predetermined print processing in the second wireless network is found based on the searching, the other information processing apparatus having the function of

performing the predetermined print processing in the second wireless network to perform the predetermined processing.

Ohta shows and discloses printing at a convenient location, and more particularly related to a system for and method of printing information at a conveniently located printer station that is selected in a predetermined area wherein, Ohta clearly discloses a search step of searching for other information processing apparatuses that have a function of performing a predetermined processing, in the first wireless network joined (figure 13, abstract, paragraph [0007], [0039], [0040], [0053]); a request step of requesting, if the other information processing apparatus having the function of performing the predetermined processing is found based on the searching in the search step, the other information processing apparatus to perform the predetermined processing (figure 13, abstract, paragraph [0007], [0040], [0053]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Ohta and Asoh et al. since both concern detection over wireless networks and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate detecting a device on network capable of performing a predetermined process, as taught by, Ohta into the system of Asoh et al. for the purpose of locating a printer on a wireless network capable of performing a predetermined process (Ohta; abstract), thereby allowing the user to conveniently locate a device on the network of performing a predetermined process. However, Asoh as modified by Ohta does not specifically disclose a changing step of automatically joining a second wireless network of the plurality of networks identified by the identification information received in the reception step, if the other information processing apparatus having the function of performing the predetermined processing in the first

wireless network joined previously is not found based on the searching in the search step, searching for the other information processing apparatus that have the function of performing the predetermined processing in the second wireless network, and of requesting, if the other information processing apparatus having the function of performing the predetermined processing in the second wireless network is found based on the searching, the other information processing apparatus having the function of performing the predetermined processing in the second wireless network to perform the predetermined processing.

Deshpande shows and discloses an area being serviced by multiple wireless network access service providers, a service provider is selected for use by a communication device based upon information received from each of the available service providers and a provider selection criterion, wherein Deshpande discloses a changing step of automatically joining a second wireless network of the plurality of networks identified by the identification information received in the reception step, if no information processing apparatus having the function of performing the predetermined processing in the first wireless network joined previously is found based on the searching in the search step (figure 3, abstract, paragraph [0015], [0016], [0017], [0021]), searching for other information processing apparatuses that have the function of performing the predetermined processing in the second wireless network (figure 3, abstract, paragraph [0015], [0016], [0017], [0021]), and of requesting, if another information processing apparatus having the function of performing the predetermined print processing in the second wireless network is found based on the searching, the other information processing apparatus having the function of performing the predetermined print processing in the second wireless network to perform the predetermined processing (figure 3, abstract, paragraph [0015], [0016], [0017], [0021]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Deshpande and Asoh as modified by Ohta since both concern determining services available on a wireless network and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate searching multiple networks for a particular service, as taught by, Deshpande into the system of Asoh as modified by Ohta for the purpose of locating a particular service required by a user (Deshpande; paragraph [0021]), thereby allowing the user to locate and make use of said particular service. However, Asoh as modified by Ohta as modified by Deshpande does not specifically disclose an information processing apparatus that is a wireless direct print type printer.

DPReview shows and discloses a new direct printing standard for the connection of digital cameras and photo printers. With DPS you will be able to connect a compatible digital camera directly to a compatible photo printer (initially via PTP USB) and initiate prints directly from the camera - no need for a PC, wherein the information processing apparatus that is a wireless direct print type printer (a printer that uses the Direct Print Standard)(figure "Digital Still Camera and Printer"; page 1, paragraph 1-4).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of DPReview and Asoh as modified by Ohta as modified by Deshpande since both concern printing data from a portable digital device to a printer and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate and information processing apparatus, such as a printer, using

the Digital Print Standard, as taught by, DPReview into the system of Asoh as modified by Ohta as modified by Deshpande for the purpose of printing directly from a digital camera to a printer (DPReview; paragraph 2), thereby avoiding the need to us a PC.

b) Consider **claim 3,** and **as applied to claim 1 above,** Asoh et al. as modified by Ohta as modified by Deshpande as modified by DPReview clearly show and disclose, the method according to claim 1, wherein, in the first request step, the other information processing apparatus is an apparatus searched for first in the search step (Ohta; abstract, paragraph [0045]).

c) Consider **claim 7,** and **as applied to claim 1 above,** Asoh et al. as modified by Ohta as modified by Deshpande as modified by DPReview clearly show and disclose, the method according to claim 1, wherein the information processing apparatus wirelessly communicates according to a wireless LAN method defined by IEEE 802.11 (paragraph [0082]).

d) Consider **claim 8,** and **as applied to claim 7 above,** Asoh et al. as modified by Ohta as modified by Deshpande as modified by DPReview clearly show and disclose, the method according to claim 7, wherein the information processing apparatus wirelessly communicates in a communication mode according to an infrastructure mode defined by IEEE 802.11(paragraph [0082]).

e) Consider **claim 9,** and **as applied to claim 7 above,** Asoh et al. as modified by Ohta as modified by Deshpande as modified by DPReview clearly show and disclose, the method according to claim 7, wherein the information processing apparatus wirelessly communicates in a communication mode according to an ad-hoc mode defined by IEEE 802.11(paragraph [0082]).

f) Consider **claim 15,** and **as applied to claim 1 above,** Asoh et al. as modified by Ohta as modified by Deshpande as modified by DPReview clearly show and disclose, the method according

to claim 1, wherein the predetermined processing is print processing (Ohta; figure 13, abstract, paragraph [0007], [0040], [0045], [0053]).

9. **Claims 4-6 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Asoh et al. (US Patent Publication # US 2004/0003060 A1)(hereafter Asoh)** in view of **Ohta (US Patent Publication # US 2001/0029531 A1)(hereafter Ohta)** in view of **Deshpande et al. (US Patent Publication # US 2003/0003933 A1)(hereafter Deshpande)** in view of **Digital Photography Review (Non-Patent Literature: Direct Print Standard (DPS), 02DEC2002)(hereafter DPReview)** in further view of **Suda et al. (US Patent # 6,157,465)(hereafter Suda).**

a) Consider **claim 4,** and **as applied to claim 3 above,** Asoh et al. as modified by Ohta as modified by Deshpande as modified by DPReview clearly show and disclose, the method according to claim 3. However, Asoh et al. as modified by Ohta as modified by Deshpande as modified by DPReview does not specifically disclose in the request step, if the predetermined processing performed by an information processing apparatus searched for first in the search step ends as an error, the predetermined processing is requested from another information processing apparatus found based on the searching in the search step.

Suda shows and discloses a printer that is instructed to perform a printing job analyzes the job and determines a process to be executed, and identifies the performances of the printer and other printers and their states. Based on the results of the analysis and on the states of the printers, the printer decides whether it should not perform a process or whether the process should be performed by another printer. It also decides whether a process is unnecessary or is not permitted for a user, and halts the performance of such a process. When it determines that a process should be

performed by another printer, it transfers the job to that printer, wherein in the request step, if the predetermined processing performed by an information processing apparatus searched for first in the search step ends as an error, the predetermined processing is requested from another information processing apparatus found based on the searching in the search step (column 20 lines 41-60, column 21 lines 27-37).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Suda into the system of Asoh et al. as modified by Ohta et al. as modified by Deshpande as modified by DPReview for the purpose of transferring a job to another device if an error occurs in the device originally executing the job.

b) Consider **claim 5,** and **as applied to claim 1 above,** Asoh et al. as modified by Ohta as modified by Deshpande as modified by DPReview clearly show and disclose, the method according to claim 1, further comprising an inquiry step of inquiring of the other information processing apparatuses in each wireless network joined whether the other information processing apparatuses have the function of performing the predetermined processing (figure 13, abstract, paragraph [0007], [0039], [0040], [0053]). However, Asoh et al. as modified by Ohta as modified by Deshpande as modified by DPReview does not specifically disclose if each response to the inquiring is a negative response or no response exists, in the inquiry step, a determination is made in the search step that there is no information processing apparatus having the function of performing the predetermined processing in the wireless network joined.

Suda shows and discloses a printer that is instructed to perform a printing job analyzes the job and determines a process to be executed, and identifies the performances of the printer and other printers and their states. Based on the results of the analysis and on the states of the printers, the printer decides whether it should not perform a process or whether the process should be

performed by another printer. It also decides whether a process is unnecessary or is not permitted for a user, and halts the performance of such a process. When it determines that a process should be performed by another printer, it transfers the job to that printer, wherein if each response to the inquiring is a negative response or no response exists, in the inquiry step, a determination is made in the search step that there is no information processing apparatus having the function of performing the predetermined processing in the wireless network joined (abstract, column 19 lines 52-64, column 20 lines 41-60).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Suda into the system of Asoh et al. as modified by Ohta et al. as modified by Deshpande as modified by DPReview for the purpose of locating a device capable of performing a predetermined process.

c) Consider **claim 6,** and **as applied to claim 5 above,** Asoh et al. as modified by Ohta as modified by Deshpande as modified by DPReview as modified by Suda clearly show and disclose, the method according to claim 1, wherein in the inquiry step, an inquiry is made whether all information processing apparatuses in each wireless network joined have the function of performing the predetermined processing (Ohta; abstract, paragraph [0045]).

d) Consider **claim 14,** and **as applied to claim 5 above,** Asoh et al. as modified by Ohta as modified by Deshpande as modified by DPReview as modified by Suda clearly show and disclose, the method according to claim 5, wherein in the request step, the predetermined processing requested from an information processing apparatus that has positively responded to the inquiring in the inquiry step (Ohta; figure 13, abstract, paragraph [0007], [0040], [0045], [0053]).

Response to Arguments

10. Applicant's arguments filed 08FEB2011 and 22MAR2011 have been fully considered but they are not persuasive.

With regard to Applicant's arguments filed in the Response dated 08FEB2011 it is believed that the Examiner has fully addressed these arguments in the interview which took place on 16MAR2011 which resulted in the filing of the Supplemental Response dated 22MAR2011 and shall not be addressed again here. However, if Applicant believes that they arguments were not fully addressed it is respectfully requested that Applicant submit such arguments with the next response and they will be addressed in due course.

What follows are the response to arguments presented in the Supplemental Response dated 22MAR2011.

Applicant argues that nothing in Asoh, Ohta, or Deshpande, neither alone or in combination, is believed to teach or suggest that "searching is performed in a network to find a wireless direct print type printer, much less that a predetermined processing is requested from a wireless direct print type printer found by searching a network…" or "a search step… a request step… or a changing step… [involving a information processing apparatus that is a wireless direct print type printer]"

Applicant's arguments with respect to claims 1, 10, and 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant, in preparing the responses, to fully consider each of the cited references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage disclosed by the Examiner.

With respect to any amendments to the claimed invention, it is respectfully requested that Applicant indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

If Applicant intends to make numerous amendments the Examiner respectfully requests that Applicant submit a clean copy of the claims in addition to the marked up copy of the claims in order to expedite the examination process.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL C. MURRAY whose telephone number is 571-270-1773. The examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571)-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. C. M./
Examiner, Art Unit 2443

/Tonia LM Dollinger/
Supervisory Patent Examiner, Art Unit 2443